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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,478

06/26/2006

Marcus Nystrom

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116 7590 10/28/2009
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EXAMINER

MICHALSKI, SEAN M

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

10/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,478	Applicant(s) NYSTROM, MARCUS	
	Examiner SEAN M. MICHALSKI	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2009 has been entered.

2. Claims 7-11 are not in proper format, and could be considered non-responsive because they do not show the text of the claims.

Examiner pointed out in the previous action that 37 CFR 1.121 (c) requires showing the text of claims *including withdrawn claims*.

Applicant nonetheless ignored this, and did not show the text of withdrawn claims in the submission of 6/24/2009.

Examiner will again overlook this error in favor of a compact prosecution, but applicant should list the text of the withdrawn claims, and continue submitting them in all future submissions.

Claim Rejections - 35 USC § 102

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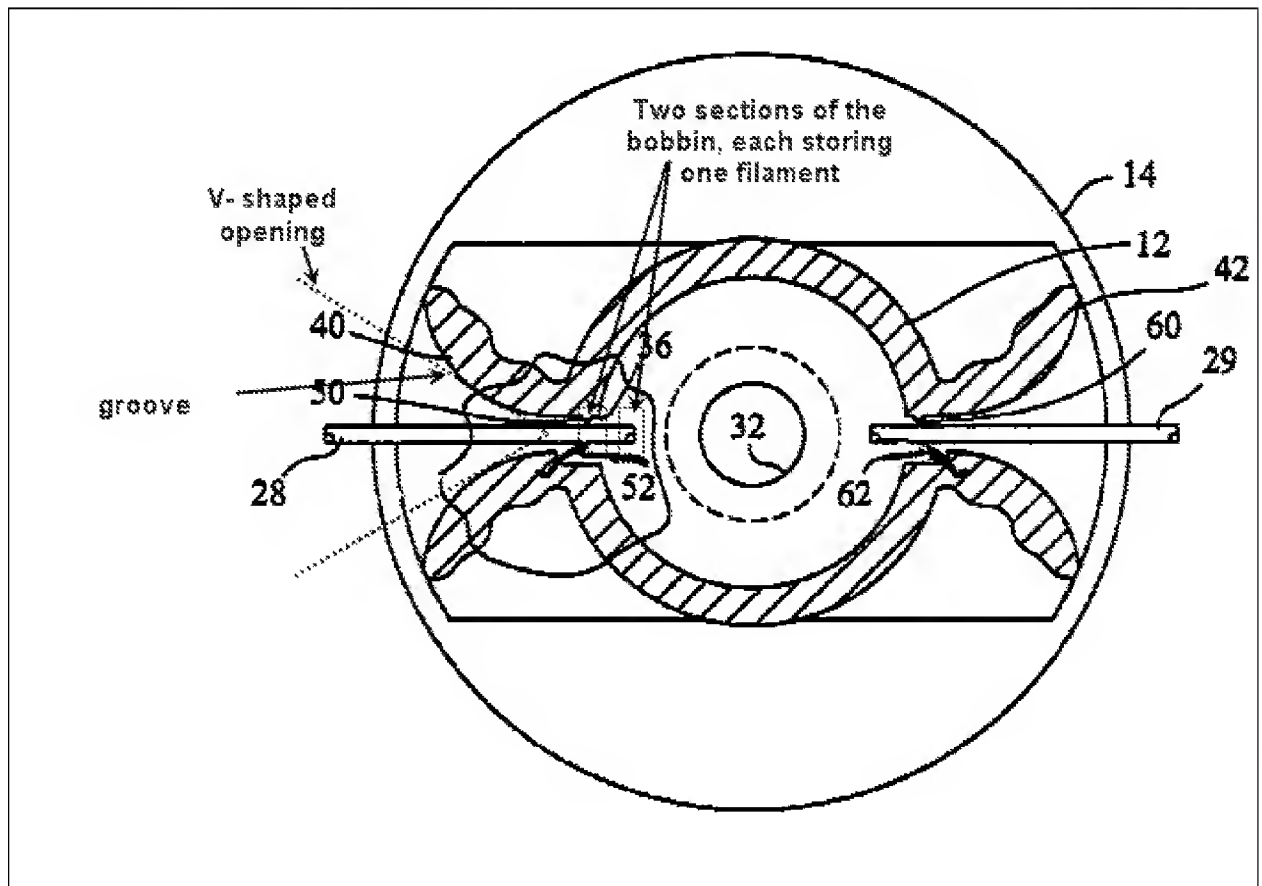
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fogle (US 6,944,956).

Fogle discloses a trimming head (14) including two eyelets (40/42 figure 4) and a bobbin (area interior of 62 is a bobbin, since that is the round area where the thread is stored), the eyelet provided with an opening (as seen in figure 4, through which filament 28 extends), the opening extending in an axial direction (the opening is three dimensional-therefore extends in all directions). Fogle discloses at least two sections in the bobbin capable of storing one cutting filament in each section, see below:



Are each of the “sections” shown above storing “a cutting filament”- Yes. Looking at them individually they may both be said to be storing a cutting filament, and they are both “sections” of the bobbin.

Claims 2, 5 and 6 are clearly seen in the figures of Fogle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugihara (US 5,522,141) in view of Peterson (US 2002/0026714) and Fogle (6,944,956).

Sugihara discloses a cutting head (4) a bobbin (31), with two sections-each for a cutting filament- as seen in figure 23. Sugihara discloses eyelets (10) which provide an opening for the filaments, the eyelet clearly provides access to both the sections of the bobbin- being large enough to accept a filament from the upper section (left of figure 23) and the other from the lower (right of figure 23). Clearly either eyelet could accept filament from either section. Sugihara discloses a groove, etc. (one limit of the circular eyelet is a groove).

a. Sugihara lacks a teaching of automatic winding (loading) through the eyelet.

Peterson teaches a cutting head/bobbin (10/12) which is wound automatically, and extends automatically. It is wound through an eyelet (see figure 5) and automatically winds the filament with no need to disassemble the cutting head. See Page 5, column 1, paragraph [0086].

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the filament automatically winded by insertion into the eyelet and automatic/manual rotation of the bobbin relative to the head as taught by Peterson, since doing so is easier than disassembly, as described by Peterson. Examiner additionally takes official notice that other self wind devices bobbins are known for the

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purpose of simplicity of use, and they could be used just as easily to demonstrate self winding bobbins and the use of a Sugihara-like bobbin as a self wound bobbin.

b. Sugihara lacks a teaching of "V-shaped" opening.

Fogle teaches a V-shaped opening, including a groove, as seen in the figure above.

It would have been obvious to one of ordinary skill in the art to substitute a V-shaped opening for the eyelet of Sugihara, since doing so would increase the radius of curvature on the string, and prevent it from kinking due to over-stress, or prevent it from snapping before line could be fed out. It is common sense that a V-shaped opening as seen in Fogle will reduce stress on the portion of filament being pushed by the opening.

Claims 2, 3, 5 and 6 are clearly obvious on the face of the above rejection.

Regarding claim 4, in the above combination- Sugihara was switched from a bump-feed type trimmer to an automatic feed trimmer with an automatic winding bobbin. It is not explicit where the end of the filament would be retained- but the central cylindrical section is a likely place, and could have been selected by any person of ordinary skill in the art. Sugihara discloses that's the location of mounting, and so do numerous other references, which examiner takes official notice of as showing that it is a common location for filament to be mounted for the purpose of not blocking the wound filament as it is unwound.

Response to Arguments

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN M. MICHALSKI whose telephone number is (571)272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sean M Michalski/
Examiner, Art Unit 3724

/Kenneth Peterson/
Primary Examiner, Art Unit 3724